

San Francisco, California  
Thursday, September 19, 2024

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND  
RECORDING 10:31 - 11:50 = 1 HOUR 19 MINUTES

## 15 | APPEARANCES:

16 | For Plaintiff:

Ramey, LLP  
5020 Montrose Boulevard  
Suite 800  
Houston, Texas 77006  
SUSAN S.Q. KALRA, ESQ.  
WILLIAM P. RAMEY III, ESQ.  
JEFFREY KUBIAK, ESQ.

20 For Defendant:

Maschoff Brennan  
450 Sansome Street  
Suite 1005  
San Francisco, California

23 94111  
BY: JASON A. CROTTY, ESQ.

1 Transcribed by:

Echo Reporting, Inc.  
Contracted Court Reporter/  
Transcriber  
echoreporting@yahoo.com

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1 Thursday, September 19, 2024

10:31 a.m.

2 P-R-O-C-E-E-D-I-N-G-S

3 --oo--

4 THE CLERK: Now calling Civil Matter 24-3089, Koji  
5 IP versus Renesas Electronics America.

6 Counsel, when speaking, please approach the podiums and  
7 state appearances for the record.

8 THE COURT: Why don't we have counsel approach.

9 Since we're -- don't have a court reporter, we're recording  
10 this for transcription purposes, you need to speak into the  
11 microphones at the -- at the podiums, please. And, guys,  
12 just remember, kind of like in a deposition, everyone speak  
13 one at a time, again, just for audio transcript purposes.

14 Can I get appearances.

15 MS. KALRA: Good morning, your Honor. Susan  
16 Kalra, appearing for the Plaintiff.

17 THE COURT: Yes.

18 MR. CROTTY: Jason Crotty of Maschoff Brennan,  
19 appearing for Defendant Renesas Electronics of America.

20 THE COURT: Mr. Crotty, since this is an order to  
21 show cause hearing, I -- I mean, unless things spill over,  
22 I'm probably not going to allow you to have much to say  
23 because it's not really your motion anymore. That's already  
24 submitted.

25 MR. CROTTY: Understood. Thank you.

1           THE COURT: Ms. Kalra, who's here with you today?

2           MS. KALRA: Mr. William Ramey.

3           MR. RAMEY: Good morning, your Honor.

4           THE COURT: Good morning.

5           MS. KALRA: And Mr. Jeffrey Kubiak.

6           MR. KUBIAK: Good morning, your Honor.

7           THE COURT: Good morning.

8           All right. Ms. Kalra, are you going to be speaking on  
9 behalf of all three of the Ramey attorney lawyers, Ramey  
10 Firm lawyers, or who's going to do most of the talking? You  
11 all three could talk of course.

12           MS. KALRA: I will not. Mr. Ramey will handle  
13 most of it.

14           THE COURT: Okay. Let's take care -- since -- Mr.  
15 Ramey, since you actually aren't counsel of record in the  
16 case but I see you're going to be making representations of  
17 fact to the Court, I'm going to ask that the court reporter  
18 -- sorry -- the Deputy to swear both you and Mr. Kubiak just  
19 so we cover all our bases there. So, if you both could  
20 please stand.

21           THE CLERK: Raise your right hand. Do you  
22 solemnly swear or affirm that the testimony you're about to  
23 give before this Court shall be the truth, the whole truth,  
24 and nothing but the truth, so help you God or so you affirm?

25           MR. RAMEY: I do.

1 MR. KUBIAK: I do.

2 THE CLERK: Thank you. You may be seated.

3 THE COURT: And since Mr. Crotty is probably not  
4 going to jumping up to speak, Mr. Kubiak, if you want to,  
5 you could use the other microphone on the other podium if  
6 you want to speak.

7 MR. KUBIAK: Thank you, your Honor.

8 THE COURT: Okay. All right. So, Mr. Ramey, I  
9 guess you're going to be doing most of the talking?

10 MR. RAMEY: Yes, your Honor.

11 THE COURT: All right.

12 MR. RAMEY: Yes, your Honor. So, we received your  
13 show cause order. Ms. Kalra reported to me after the August  
14 22nd hearing that she had with you that you brought up some  
15 issues about our use of pro hac vice anticipated on the  
16 signature lines on pleadings.

17 Immediately upon receiving that feedback from Ms.  
18 Kalra, we discontinued that practice. It was never our  
19 intention, your Honor, to indicate that either myself or Mr.  
20 Kubiak was a licensed California attorney. As I said in the  
21 briefing to the Court, we did that main -- for -- for two  
22 reasons. We did that first because one of our clients asked  
23 us as cases were resolving more quickly, to discount some of  
24 that expense up front, and we recognized that was a mistake  
25 when to Court pointed it out. We have discontinued that.

1       And, secondly, as we put in the briefing, there was  
2 some personal issues going on with Ms. Kalra, and we left  
3 that on there for notice purposes.

4       I, as the managing partner of the firm, am aware of the  
5 issues, but I did not read her sealed declaration because  
6 that was between the Court and Ms. Kalra, not me. So, I  
7 can't comment on that part of it.

8           THE COURT: Okay. All right. So, first of all,  
9 just to confirm, Mr. Ramey and Mr. Kubiak, I just want to  
10 make 100 percent sure you're -- neither of you are members  
11 of the California Bar?

12           MR. RAMEY: I am not, your Honor, Mr. Ramey.

13           MR. KUBIAK: I am not, your Honor.

14           THE COURT: Okay. And none of you, therefore, are  
15 members of the Bar of this Court?

16           MR. KUBIAK: That is correct.

17           MR. RAMEY: Correct, your Honor.

18           THE COURT: Okay. And, as you point out, I mean,  
19 I think you say in the OSC response and I think in some of  
20 the declarations that the way you've handled pro hac vice in  
21 this court was a mistake essentially and that you've tried  
22 to rectify that, right? Summarizing too generally or is  
23 that basically it?

24           MR. RAMEY: No, your Honor. I think that's  
25 correct. We -- we weren't trying to misrepresent anything,

1 but once the Court pointed that out, we've changed  
2 practices.

3 THE COURT: Okay. So, just so, again, I'm clear,  
4 you don't -- I mean, the OSC order itself refers to the  
5 Civil Local Rules on pro hac vice admission, and, this,  
6 again, is for unauthorized practice of law. Given the  
7 response, you don't really engage with those legal -- the  
8 legal standards of those rules. As I read -- read the  
9 response and the declarations, the response is that you're  
10 changing your internal procedures to avoid those issues  
11 going forward. Is that correct?

12 MR. RAMEY: Correct, your Honor. We don't want to  
13 give the impression that we're trying to indicate we're  
14 licensed in California.

15 THE COURT: Okay. So, is there really -- I mean,  
16 you agree there's been a failure to comply with the Local  
17 Rules on pro hac vice admission?

18 MR. RAMEY: Your Honor, we -- we always thought we  
19 were practicing under the -- the license of Ms. Kalra. So,  
20 we never thought that we were in violation. We never  
21 intended that to be the case. We modified the practice when  
22 the Court pointed it out. So, if what was done in the past  
23 is deemed to have been a violation, then, yes, your Honor,  
24 we were in violation. But we -- we never intended that to  
25 be -- we always had pro hac vice anticipated in cases that

1 did carry on longer.

2 THE COURT: Right.

3 MR. RAMEY: We did, in fact, do the pro hac vice  
4 and have people admitted. So, that was our mistake for not  
5 doing it right at the start, your Honor.

6 THE COURT: Right. Okay. So, and I think in the  
7 order to show cause you've got a long list of cases where  
8 you, Mr. Ramey, have either appeared as counsel or your  
9 name's on the pleadings going back to 2017. And I think for  
10 Mr. Kubiak, it goes back at least a couple -- one or two  
11 years. And, of course, the list is longer for Mr. Ramey.

12 I mean, you've been aware of the Court's Local Rules  
13 since 2017, right?

14 MR. RAMEY: Yeah. I was -- yes, your Honor, we  
15 were aware of the Local Rules. We -- we -- we just didn't  
16 understand that was a violation, what we were doing.

17 THE COURT: Okay. Well, Local Rule 11-3 says --  
18 and I think we say this in the OSC -- that you're supposed  
19 to file your PH -- pro hac vice applications at the time of  
20 the filing of the complaint, right?

21 MR. RAMEY: Yes, your Honor.

22 THE COURT: Okay. And since we've put in the  
23 order to show cause order it's at least 48 cases where you  
24 never filed a pro hac vice application and certainly not at  
25 the time of the filing of the complaints in those cases,

1 including the -- the cases here in front of me, right?

2 MR. RAMEY: Yes, your Honor. I think that -- yes,  
3 your Honor.

4 THE COURT: Okay. And for Mr. Kubiak, I think we  
5 talked about this, 16 plus the -- this case and what I'm  
6 calling the second case. So, that's a total of 18 cases, is  
7 that right?

8 MR. KUBIAK: Yes, sir. I think that's correct.

9 THE COURT: Okay. And, so, again, I just want to  
10 be clear. You're not -- technically, those are violations  
11 of the Local Rules, right?

12 MR. RAMEY: Yes, your Honor. We -- we  
13 misapprehended the way we were practicing. We -- we  
14 modified that practice.

15 THE COURT: All right. And, again, the Local  
16 Rules require filing the application at the time of the  
17 complaint and also filing -- submitting the fee for the pro  
18 hac vice application at the time of the complaint, right?

19 MS. KALRA: If I may, your Honor. 11-3 also says  
20 it can be filed at the time of the complaint or at the time  
21 of first appearance, the pro hac vice application.

22 THE COURT: Okay. So, if Mr. Ramey and Mr. Kubiak  
23 were not appearing in the case yet but they -- but they  
24 anticipated that they might, then -- and it doesn't -- the  
25 Rule doesn't say at the earlier. It just says that that's

1 when you have to file is at the time you're filing at the  
2 complaint or at your first appearance.

3 THE COURT: So, it's your -- well, their names  
4 appear on the pleadings, on the complaints. Isn't that an  
5 appearance?

6 MS. KALRA: As pro hac vice anticipated?

7 THE COURT: Well, it's an appearance to the Court.  
8 Once their names are on the pleadings, they've appeared,  
9 haven't they?

10 MS. KALRA: They haven't been admitted yet, and --

11 THE COURT: Well, that's the whole point.

12 MS. KALRA: Right. So --

13 THE COURT: They put their names on a pleading,  
14 like a complaint. They've appeared in front of the Court,  
15 and the Rule says you're supposed to file your pro hac vice  
16 application at that time.

17 (Pause.)

18 THE COURT: Right?

19 MR. RAMEY: Your Honor, we were misapplying the  
20 rule until we -- until we appeared in person because we  
21 always originally said we were always using Ms. Kalra to do  
22 the appearances until we got further in the case.

23 THE COURT: Okay. I'll get to that in a second,  
24 but I just want to close the loop on this. You're not  
25 interpreting first appearance as first appearance like

1 standing up in court, are you?

2 MS. KALRA: Not necessarily. I mean, there's --  
3 there's a number of ways that --

4 THE COURT: Right. You appear in front of the  
5 Court when you file a pleading with your name on it as  
6 counsel for a party.

7 MS. KALRA: That's a fair interpretation.

8 THE COURT: Okay. So, again, just so I'm clear,  
9 not really a -- I just want to make sure there's not really  
10 a dispute here that in the 40 plus cases for Mr. Ramey and  
11 the 16 or 18 cases for Mr. Kubiak, there was a violation of  
12 the Local Rule in terms of the timing of the filing of the  
13 pro hac vice applications, right?

14 MR. RAMEY: Yes, your Honor.

15 THE COURT: Okay. And it was also a violation of  
16 the Local Rule in all those cases, including the one here,  
17 by not paying the fee at the time those applications would  
18 have been due, right, or fees?

19 MR. RAMEY: Because no application was filed, no  
20 fee was paid, correct, your Honor.

21 THE COURT: And, Mr. Kubiak (sic), with regard to  
22 this case, did you advise either Mr. Ramey or Mr. Kubiak  
23 about what the Local Rules require and the timing issues?

24 MS. KALRA: On this specific case?

25 THE COURT: Yes.

1 MS. KALRA: I advised them of your Honor's  
2 position after the last hearing. However --

3 THE COURT: Yeah. I'm -- I'm talking about at the  
4 time the case started here.

5 MS. KALRA: Correct. I've worked with Mr. Ramey  
6 and Mr. Kubiak on many many many cases, and the rule has  
7 been the same as far as I know for many many years now, and  
8 I know I've had a discussion several times with everybody at  
9 the firm about that, but I don't recall having that  
10 discussion in this particular case.

11 THE COURT: Okay. All right. All right. I  
12 should have said this up -- because I'm going to -- I think  
13 we're going to use these terms just for the record. When  
14 they're called something like -- there are three cases  
15 involving Koji and Renesas. The first case is the Colorado  
16 case, which is Docket Number 21-1674. What I might refer to  
17 and the parties might refer to as the second case is the  
18 case -- second case filed here in the Northern District of  
19 California, Docket 23-5752. And the third case is the  
20 current case here that raised all these issues, which is  
21 Docket Number 24-3089. So, you all understand that's what I  
22 mean. The first case is the Colorado case. Second case was  
23 the second in line but the first Northern District case, and  
24 then the third case is this current case.

25 MR. RAMEY: Yes, your Honor.

1           THE COURT: So, we have the same terminology in  
2 mind. Okay.

3           Okay. I mean, I understand that that was your  
4 practice, and I appreciate you being candid about  
5 misapplying the Rule. Was there any attempt at the Ramey  
6 Firm to do legal research on -- to -- to justify the  
7 practice that you had had in the past about not filing pro  
8 hac vice applications or was it just a procedural managerial  
9 decision, as you said?

10          MR. RAMEY: Your Honor, if you go back to the --  
11 towards the earlier cases, we always filed pro hac vice. It  
12 was -- it was in consultation -- discussions with the client  
13 that we -- we slipped into doing it the other way because  
14 some of the -- he was having a lot of cases resolve real  
15 quickly at the low end expense. So, that's -- we  
16 acknowledge that we let that Rule slip, and we acknowledge  
17 that, your Honor.

18          THE COURT: Okay. So, and you say that this was  
19 -- this practice of not filing the pro hac vices was done at  
20 the request of -- I'm going to mispronounce his name again  
21 -- Mr. Go -- help me out.

22          MR. RAMEY: I pronounce -- mispronounce it every  
23 time too, your Honor. It's Doctor Gorrichategui's.

24          THE COURT: Gorrichategui. Okay. So, Mr.  
25 Gorrichategui, I think you said that it was a request he

1 made near early '22, but the list of cases and the order to  
2 show cause found go back to certainly before '22 a number of  
3 them. The earliest one is 2017, where on pro hac vices were  
4 filed. And, like I said, there's a number of them leading  
5 up to 2022.

6 I guess, first, generally, a lot of the cases -- most  
7 of the cases don't involve Koji as a Plaintiff. So, does  
8 Mr. Gorrichategui, is he the -- the client in charge of all  
9 the cases we've listed here in the order to show cause?

10 MR. RAMEY: No, your Honor. The -- some of the  
11 ones for 2017 were actually transferred from Texas into  
12 California. So, we were on the pleadings already. We never  
13 made an appearance in that matter because we weren't trying  
14 to make an appearance in those -- in that case once it was  
15 transferred. I believe we're talking about the Traxcell v.  
16 Apple cases.

17 THE COURT: No. The earliest 2017 case is Global  
18 Equity v. Alibaba Group.

19 MR. RAMEY: And that was another -- another --  
20 another instance of a case transferred that was in  
21 California. That -- that was Hicks -- John Thomas with  
22 Hicks Thomas was the -- the lead on it. So, that was a --  
23 that one I didn't look at in particular separate from what I  
24 did in the pleading, but that was so long ago. That one was  
25 a mistake of not having it on there then. That's -- that

1 one I -- just a mistake. It was the incorrect practice.

2 THE COURT: All right. So, I guess the -- the  
3 question is, you know, obviously Koji is a client of yours  
4 and Mr. Gor --

5 MR. RAMEY: Doctor Gorrichategui, your Honor.

6 THE COURT: -- Gorrichategui is in charge of Koji  
7 because it owns or controls -- is owned or controlled by  
8 DynaIP, I take it?

9 MR. RAMEY: Your Honor, Koji IP, LLC is -- is the  
10 -- owns the IP, and then it's managed by DynaIP Deals, which  
11 is managed by Doctor Gorrichategui.

12 THE COURT: Got it. Okay. So, are the -- I mean,  
13 even the ones that -- that are post-2022 of the cases listed  
14 on page five of the order to show cause, was that request  
15 from Doctor Gorrichategui, did that apply to all these  
16 cases? I mean, he wasn't the client for all these cases,  
17 was he?

18 MR. RAMEY: He is the managing member for -- for  
19 all those cases.

20 THE COURT: He is the managing member?

21 MR. RAMEY: For different LLC entities.

22 THE COURT: Right, right.

23 MR. RAMEY: Okay. Pardon me.

24 THE COURT: Through the DynaIP management of those  
25 entities?

1 MR. RAMEY: Yes, your Honor.

2 THE COURT: Okay. So, for example, VDPP, that's a  
3 DynaIP --

4 MR. RAMEY: Yes.

5 THE COURT: -- entity?

6 MR. RAMEY: Yes, your Honor.

7 THE COURT: All right. And then let's go back to  
8 the earliest from 2022. Here we go. Valjakka v. Netflix?  
9 That's a 2022 -- that's a March 2022 case.

10 MS. KALRA: I believe Mr. Ramey's admitted in that  
11 case.

12 MR. RAMEY: Yes, your Honor. I'm admitted in that  
13 one.

14 THE COURT: Okay. What about Traxcell Techs v.  
15 Google?

16 MR. RAMEY: That was the -- Traxcell v. Google was  
17 transferred from Texas to California. I never entered an  
18 appearance. The case was dismissed shortly thereafter by  
19 Judge Corley.

20 THE COURT: Okay. E-submissions Software?

21 MR. RAMEY: Doctor Gorrichategui, your Honor.

22 THE COURT: Okay. Escape XIP?

23 MR. RAMEY: Doctor Gorrichategui, your Honor.

24 THE COURT: So, everything from '22 -- '22 onward,  
25 all these entities are Doctor Gorrichategui's?

1                   MR. RAMEY: He's the manager of the -- the LLC's,  
2 your Honor.

3                   THE COURT: Okay. But what about pre 2022? I  
4 mean, if he made the request in 2022, that doesn't explain  
5 why there were no pro hac vices filed in a number of cases  
6 before 2022.

7                   MR. RAMEY: No, your Honor. That doesn't -- the  
8 ones that were -- I know the Valjakka v. Netflix, I was  
9 admitted in that one. That case I've now withdrawn as  
10 counsel from -- your Honor, I'm sorry. Now I'm not thinking  
11 of the Court's name. I apologize, your Honor.

12                  THE COURT: That's okay.

13                  MS. KALRA: Judge Tigar.

14                  MR. RAMEY: Judge Tigar, yes, your Honor.

15                  THE COURT: Okay. Tigar it's pronounced.

16 CyboEnergy v. Movin Electric Power Tech?

17                  MR. RAMEY: Yes, your Honor. That one -- that's a  
18 Doctor Gorrichategui case.

19                  THE COURT: Riggs Tech Holdings v. Vagaro?

20                  MR. RAMEY: Yes, your Honor.

21                  THE COURT: Okay. But if you made the request in  
22 2022, these are 2021 cases. So, I'm just -- again, I  
23 understand that he made the request that you not file pro  
24 hac vice's in 2022 according to the declarations, but if  
25 these were DynaIP cases before 2022, what explains the

1 failures in those cases?

2 MR. RAMEY: There was error in the process that we  
3 had at the firm, your Honor.

4 THE COURT: Okay. PacSec3 v. Juniper Networks?

5 MR. RAMEY: That was, again, a case that was  
6 transferred from the Western District when it was settled.  
7 It was settled as it was being transferred. So, we didn't  
8 -- we were intending to make an appearance in that case.

9 THE COURT: Okay. Apple v. Traxcell Techs?

10 MR. RAMEY: Same -- same situation, your Honor.  
11 It was transferred from Texas. We were intending to enter  
12 an appearance as we were in settlement.

13 THE COURT: I may be mispronouncing it, DATRAC or  
14 DATRAC v. PrognoCIS?

15 MR. RAMEY: Prognosis? Your Honor, that was  
16 another case that we were in settlement talks at the time.

17 THE COURT: NetSoc v. LinkedIn?

18 MR. RAMEY: That was another -- pardon me, your  
19 Honor. NetSoc v. LinkedIn, that was error on the part of  
20 the firm. That case was filed.

21 THE COURT: Okay. NetSoc v. Quora?

22 MR. RAMEY: Same thing, your Honor. The -- the  
23 NetSocs cases. They are not Doctor Gorrichategui cases.

24 THE COURT: So, those were -- those were errors.  
25 Global Equity Management v. Alibaba?

1           MR. RAMEY: That case was -- was filed in -- in  
2 the Eastern District of Texas, and it was caught up and  
3 stayed when it was transferred out to California. So, we  
4 never entered an appearance. The PTAB disposed of that  
5 patent, and the case was dismissed.

6           THE COURT: Okay. And there's another Global  
7 Equity Management v. eBay case?

8           MR. RAMEY: That -- that's the same JIMSA  
9 (phonetic).

10          THE COURT: Okay. And I think we already talked  
11 about Global Equity Management v. Alibaba?

12          MR. RAMEY: Yes, your Honor. Same -- same facts  
13 on that one.

14          THE COURT: And I'm 99 percent sure that the cases  
15 we listed in the order to show cause for Mr. Kubiak overlap  
16 with the cases for Mr. Ramey, is that right? Are there any  
17 others that you're aware of where Mr. Kubiak's on the  
18 pleadings but -- or appeared but Mr. Ramey didn't?

19          MR. KUBIAK: No, your Honor. As far as I know,  
20 there's not.

21          THE COURT: Okay. And I know Mr. Ramey's doing  
22 most of the talking, but I want -- again, anything you want  
23 to add on your own behalf with regard to failures to file  
24 pro hac vice in those cases?

25          MR. KUBIAK: I'm not as familiar with the cases as

1 Mr. Ramey is. He knows them by -- by name and docket. As  
2 the -- the 18 cases that were listed for me, four of those  
3 were -- were transferred from Western District. Nine of  
4 them I was listed on the jury charge as an attorney, and it  
5 was -- that was in error as well. Four of them is my  
6 recollection I'm actually listed on the complaint. And,  
7 so --

8 THE COURT: Yes, but was it just error?

9 MR. KUBIAK: Well, it's -- it's an error as in not  
10 understanding the Rule I suppose.

11 THE COURT: Okay. All right. And we -- I don't  
12 know if we gave the full list, but I think the order to show  
13 cause indicates that Mr. Ramey has appeared and/or currently  
14 working on at least 37 cases in the Central District of  
15 California. Is that -- any dispute about that number? Is  
16 it?

17 MR. RAMEY: No, your Honor. That's -- I think  
18 most of those are now closed, but there may be a couple of  
19 them that we're handling. But when we're filing new  
20 documents for each other, we removed that from the  
21 pleadings.

22 THE COURT: Okay. And then, Mr. Kubiak, we  
23 counted about 10 cases in the Central District. Is that  
24 right? I'm assuming that you've got the numbers, right?

25 MR. KUBIAK: I would have to defer to Mr. Ramey on

1 that.

2 THE COURT: Okay. And, again, I think we -- what  
3 we saw was, similarly, there was a failure to file pro hac  
4 vice applications in the Central District in most -- most of  
5 those cases. Again, tell me if I'm wrong in our review of  
6 the records there.

7 MR. RAMEY: So, the -- a few of the -- one of the  
8 cases was transferred out from Texas. And, so, it was  
9 closed shortly thereafter. But, your Honor, generally, that  
10 is closed.

11 THE COURT: Okay. What I saw from at least one  
12 document is actually the clerk's office in that court sent  
13 you -- sends notices out when pro hac vices are overdue.  
14 So, I think you received at least a number of those, right?

15 MR. RAMEY: Yes, your Honor.

16 THE COURT: Okay. You know, I -- I've got a  
17 factual question. I know Ms. Kalra works out of your  
18 Redwood City office, is that right? She said that at the  
19 last hearing.

20 MR. RAMEY: Yes, your Honor.

21 THE COURT: All right. But I saw, and I think  
22 it's required under the Local Rules in the Central District,  
23 your website says you've got a Los Angeles office. Is that  
24 -- is that wrong? Is that right?

25 MR. RAMEY: We have a Los Angeles address, yes,

1 your Honor.

2 THE COURT: Okay. All right. Who works there?

3 MR. RAMEY: Ms. Kalra.

4 THE COURT: Okay. How much? What percentage of  
5 your time, Ms. Kalra, do you spend down there?

6 MS. KALRA: As I mentioned during the last  
7 appearance and as still continues now, since mid 2023 --

8 THE COURT: Yeah.

9 MS. KALRA: -- my living situation has changed  
10 drastically.

11 THE COURT: So, let's -- let's talk about the --

12 MS. KALRA: Okay.

13 THE COURT: -- historical period before your  
14 personal situation distracted you from being able to work.

15 MS. KALRA: So, I pretty much split my time  
16 between Northern California and Southern California.

17 THE COURT: Okay.

18 MS. KALRA: Until fairly recently.

19 THE COURT: Okay. So, about 50/50 here and --

20 MS. KALRA: Yes.

21 THE COURT: -- and in the Central District? Okay.

22 Okay. And then in the -- I think you -- and maybe this is  
23 reference to -- I think it's in reference to Ms. Kalra's  
24 personal situation, which I won't go into in open court. In  
25 the OSC response, you talk about you added your names to the

1 pleadings in this case and I think in other cases to provide  
2 notice? I think you mentioned the word -- You talked about  
3 providing notice, and I guess I just was -- notice for what  
4 purpose and to whom?

5 MR. RAMEY: Yes, your Honor. Maybe that was an  
6 inarticulate way to do it. Notice so that we get notice  
7 back when filings are received. We were just making sure  
8 that nothing was missed.

9 THE COURT: So, that you would receive notice of  
10 filings, not that people would get notice from you, right?

11 MR. RAMEY: That's correct.

12 THE COURT: I see. Okay. And are you both --  
13 you, Mr. Kubiak, Mr. Ramey, are you ECF filers? Do you have  
14 ECF accounts with the court? Is that how you get notice?

15 MR. KUBIAK: Yes, your Honor, I do.

16 MR. RAMEY: No -- well, I don't know if I have  
17 one. My paralegal takes care of that, your Honor. I  
18 apologize. I do know in the last 18 months we have switched  
19 practices. So, now we use a third party service that gives  
20 us notices so we can put a tag line on everything that gets  
21 filed as we -- as we get the filing papers. It's through  
22 Ms. Kalra's login. So, I don't think it comes in to me  
23 specifically, but it comes in through Ms. Kalra's ECF.

24 THE COURT: Okay. All right. But when you said  
25 in the OSC response that you -- it's for notices so that you

1 get notice of filings from the Court?

2 MR. KUBIAK: Yes, sir.

3 THE COURT: Is that -- I just want to make sure I  
4 understand that.

5 MR. KUBIAK: Absolutely.

6 MR. RAMEY: Yes, your Honor.

7 THE COURT: All right. And then in the OSC  
8 response, you -- you say -- you said there was no deceptive  
9 intent or intent to indicate that you were licensed here in  
10 California, which I take -- you said that here today. I  
11 guess that raises a question in my mind because you don't  
12 really discuss the legal standards for -- under the Local  
13 Rules for unauthorized practice of law.

14 Is -- is your mens rea even relevant? Am I supposed to  
15 take that into account here?

16 MR. RAMEY: Your Honor, I think the -- to the  
17 extent we were advising any of these clients on the scope of  
18 a patent claim, whether the accused product fit within the  
19 scope of those claims, our USPTO license does, in fact,  
20 allow us to -- to give nationally general -- general -- but  
21 we can't appear in a courtroom and hold ourselves out as  
22 California attorneys, but we are allowed to give advice to  
23 clients as to the validity of their patent, whether their  
24 patent might be infringed, whether someone else's product  
25 falls within the scope of those claims.

1           THE COURT: Well, I mean, I'm -- I think I still  
2 am. I was a registered patent attorney. I mean, we all  
3 know work in the Patent Office doesn't involve opinions on  
4 infringement, right? I mean, Patent Office work is not --  
5 Patent Office doesn't decide infringement issues.

6           MR. RAMEY: That's correct, your Honor. We cited  
7 a case in the OSC response from the Ninth Circuit that --  
8 that provides that we're able to give those opinions, but  
9 we're not able to hold ourselves out as California lawyers.

10          THE COURT: I'll take a closer look at that. But  
11 that didn't really answer my question. I mean, you make a  
12 point of saying you didn't have any deceptive intent here.  
13 I just am trying to figure out what the legal standard is  
14 here. I -- we can look it up obviously, but is -- I mean,  
15 is -- is it a subjective standard? Am I supposed to look at  
16 your -- your intent or not here? Is that relevant? And if  
17 it is -- and it's like the follow up is if your mens rea is  
18 relevant, is it a subjective standard or is it an objective  
19 standard?

20          MR. RAMEY: As with most sanctions motions, it  
21 would be an objective standard that's applied to like a Rule  
22 11 analysis so that whether there was actually -- that the  
23 elements fit the unauthorized practice of law.

24          THE COURT: Okay. Do you have any case law that  
25 tells us that it's an objective standard for unauthorized

1 practice?

2 MR. RAMEY: I don't, your Honor. I can -- but I  
3 can provide that to the Court afterwards. I didn't --

4 THE COURT: Okay.

5 MR. RAMEY: -- bring that.

6 THE COURT: Now, we -- I mean, since we're talking  
7 about unauthorized practice of law, the actual acts of  
8 practicing law, those are intentional. I mean, you don't  
9 kind of accidentally practice law, right?

10 (Pause.)

11 THE COURT: I mean, there is an intent to  
12 undertake the actions which constitute the practice of law,  
13 right?

14 MR. KUBIAK: Yes, sir.

15 THE COURT: I mean, I don't see any way you can  
16 kind of stumble into accidentally practicing law.

17 MR. RAMEY: No, your Honor. I think there's  
18 always a gray area when you talk about the USPTO  
19 registration, and I think the Supreme Court has wrestled  
20 with that about what constitutes the -- you know, whether or  
21 not they're able to give opinions as to validity and claim  
22 scope, and that's what that courts have said registered  
23 patent attorneys are able to do.

24 THE COURT: Claim scope and validity, sure. Maybe  
25 claim construction. But infringement? I'm not sure the

1 case law supports that. And, also, you're not taking the  
2 position that being members of the patent are -- allow you  
3 to appear on pleadings in litigations in California?

4 MR. RAMEY: Not at all, your Honor.

5 THE COURT: No. Okay. All right. Again, for  
6 purposes -- in this case particularly, I think you said you  
7 were on the pleadings for notice but this is also in order  
8 to help out Ms. Kalra's personal situation, right? I don't  
9 want to get into detail on that. Is that -- is that right?

10 MR. RAMEY: Yes, your Honor.

11 THE COURT: Okay. So, that was basically covering  
12 for her while she's going through this personal --

13 MR. RAMEY: Yes, your Honor.

14 THE COURT: -- these personal issues --

15 MR. RAMEY: Yes, your Honor.

16 THE COURT: -- where she can't work? Okay. So,  
17 again, I just -- you put your names on the pleadings  
18 purposefully. It wasn't like an accident, right? It was to  
19 help her out, right?

20 MR. RAMEY: It was -- they were personally -- they  
21 were purposely, pardon me, your Honor, purposely put on the  
22 pleadings.

23 THE COURT: Okay. So, the question I have is  
24 before Ms. Kalra joined your firm, I think she represented  
25 that she was either in a different firm or I know she was

1 your local counsel as like someone who was outside the firm  
2 but acted as local counsel for your firm here in cases here.  
3 Is that right?

4 MR. RAMEY: That's correct, your Honor.

5 THE COURT: Okay. So, I mean, because Ms. Kalra's  
6 -- I'm trying to be sensitive here. Because Ms. Kalra has  
7 her own personal situation here, you have the option of  
8 associating in a different local counsel, right, when --  
9 instead of putting your names on the pleadings, right?

10 MR. RAMEY: Yes, your Honor. We -- we quite  
11 literally we were helping a colleague at the time. So,  
12 that's -- that's what we were doing.

13 THE COURT: Yeah.

14 MR. RAMEY: But, of course, we always had the  
15 option of finding other counsel.

16 THE COURT: All right. So, in the OSC response,  
17 you said that Ms. Kalra was acting as lead attorney on all  
18 California matters? So, when did she join the firm?

19 MR. RAMEY: Your Honor, I'm sorry. I -- it blends  
20 again because we've worked with Ms. Kalra for a long time.

21 THE COURT: Sure.

22 MR. RAMEY: She would remember I'm certain.

23 MS. KALRA: February 2023.

24 THE COURT: Okay. And, so, when you say in the  
25 response that she was acting as lead attorney on all

1 California matters, that even includes matters where she was  
2 co-counsel or local counsel before she officially joined the  
3 firm?

4 MR. RAMEY: I see your point now. Yes, your  
5 Honor. She was the lead counsel on the --

6 THE COURT: Okay.

7 MR. RAMEY: -- matters even when she was with the  
8 other firm.

9 THE COURT: Okay. And, again, I think we counted  
10 upwards of 56 or more cases in this court where your firm  
11 and Mr. Ramey's firm is listed as counsel.

12 So, Ms. Kalra, you were lead attorney in 56 cases?

13 MS. KALRA: Over the course of years.

14 THE COURT: Well, that's -- I'm just -- I mean,  
15 probably 40 plus of them were just in the last two years.

16 MS. KALRA: Yes. And, of course, in consultation  
17 with Mr. Ramey for most of them and Mr. Kubiak on a few.

18 THE COURT: Okay. And then, Ms. Kalra, in your  
19 declaration you say -- this is on paragraph 20 -- it's  
20 always been the practice of Ramey, LLP to work under my  
21 California Bar admission on cases in California. I'm not  
22 aware of any case where I was not listed as the attorney of  
23 record.

24 So, I mean, we've mentioned these cases I think, but  
25 PacSec v. Juniper Networks, which is Docket Number 21-7812,

1 and NetSoc v. LinkedIn, which is Docket Number 20-483, in  
2 both -- at least both those cases, only Mr. Ramey appears on  
3 the pleadings.

4 MS. KALRA: I think I was involved in -- I  
5 remember one of those cases.

6 THE COURT: But those are both cases in this  
7 court. So, I guess the -- I guess I'm trying to reconcile  
8 your statement that you were lead counsel on all cases for  
9 Ramey in California, but we found at least two where you  
10 weren't on the pleadings anywhere. You weren't on the  
11 docket.

12 MS. KALRA: Oh, so, I should probably qualify that  
13 statement a little. I was lead counsel for the cases in  
14 which I either was an employee of Ramey, LLP or hired as  
15 local counsel. And, so, if I wasn't hired as local counsel  
16 or the cases prior to the time I joined the firm, then my  
17 name would not be on those pleadings.

18 THE COURT: Okay. But I -- no California Barred  
19 lawyer is on those pleadings? And I -- I know that they --  
20 they do predate your joining the firm --

21 MS. KALRA: Yes.

22 THE COURT: -- but I don't know when -- maybe  
23 that's -- when did you start working as co-counsel/local  
24 counsel with the firm?

25 MS. KALRA: I don't recall a specific date, but I

1 believe it was maybe 2020.

2 THE COURT: Okay.

3 MR. RAMEY: Your Honor, just to be very clear  
4 about those two --

5 MS. KALRA: Yes.

6 MR. RAMEY: -- cases that you said that I appeared  
7 without local counsel, those cases were transferred into  
8 California and dismissed shortly thereafter. We -- we never  
9 -- that -- a court transferred those cases to California. I  
10 never officially entered an appearance in that court at all.  
11 So, those would be two examples of one where I would enter  
12 an appearance simply because it was sent there --

13 THE COURT: Yeah.

14 MR. RAMEY: -- but we would try to -- we got rid  
15 of the cases shortly thereafter.

16 THE COURT: Okay. So, let -- let's talk about the  
17 other issue which you've raised and it's in your OSC  
18 response which you say that, Mr. Kubiak, Mr. Ramey, you have  
19 been representing clients in California "under the  
20 California Bar license of Ms. Kalra"? I don't understand  
21 what "under the Bar license of Ms. Kalra" means.

22 MR. RAMEY: She's the -- the attorney -- the  
23 attorney that's advising the California clients, and we're  
24 simply providing services to the clients under the -- under  
25 the guidance of Ms. Kalra. It's her Bar license that --

1 she's the one -- the lead attorney. She's the -- the  
2 contact for that client.

3 THE COURT: Okay. So, help me out here. Under  
4 the -- I mean, you don't cite any law. I mean, do the  
5 California Ethics Rules allow out-of-state lawyers to  
6 practice and advise clients about California litigation  
7 under the Bar license of -- of a California Barred attorney  
8 without getting admitted pro hac?

9 MR. RAMEY: We were providing legal services to  
10 Ms. Kalra at her request. She's the one that's working with  
11 the client. So, that's -- that's how we did it, your Honor.  
12 We weren't advising directly the clients without Ms. Kalra  
13 being the one that was in charge of the overall  
14 representation of the client in -- for California purposes.

15 Again, our representation was limited more towards what  
16 the -- the claim scope was, the validity of the patent, and  
17 what products might infringe, because of our USPTO Bar  
18 registration.

19 THE COURT: Well, at the last hearing, I think Ms.  
20 Kalra represented that you, Mr. Ramey, have most of the  
21 client contact with Doctor Gorrichategui, that she -- that,  
22 for example, the work on the claims charts, deciding whether  
23 or not to file cases. That's your discussions with him?

24 MR. RAMEY: That's correct, your Honor.

25 THE COURT: Okay. Well, then how are your -- how

1 is that operating under Ms. Kalra's Bar license?

2 MR. RAMEY: She is the person that -- that assumes  
3 responsibility for the representation of the client. We  
4 provide services for the client under Ms. Kalra's  
5 representation, and that's services as we've talked about a  
6 second ago.

7 THE COURT: Okay. So, just so I'm clear, no 56,  
8 58 or whatever cases? I mean, I think -- you say you've  
9 been representing clients in California, but you've been  
10 doing it through or under Ms. Kalra's Bar license. Is that  
11 the -- the -- the argument here?

12 MR. RAMEY: Yes, your Honor.

13 THE COURT: Okay. Do you have any law that says  
14 that that's allowed under the unauthorized practice of law  
15 rules or case law?

16 MR. RAMEY: I don't have it before me now. I do  
17 know that under -- that it was our -- it was our -- from  
18 reading the California Rules previously, it was my  
19 understanding that we could provide services as long as we  
20 weren't holding ourselves out to be an attorney, as long as  
21 we were practicing under the direction and guidance of Ms.  
22 Kalra. That was our understanding.

23 THE COURT: Okay. So, where does -- I guess I --  
24 where does the phrase "under the Bar license" of another  
25 lawyer come from? Is that something from cases? It sounded

1 like it came from some legal source. Is that just a --  
2 where did it come from I guess is the question?

3 MR. RAMEY: I think I may have grabbed that -- my  
4 thought may have come back from the Texas Rules of  
5 Professional Conduct because they -- they -- recently the  
6 Texas Supreme Court updated the Rules in Texas for Texas  
7 lawyers, and they -- they didn't say under the Bar license  
8 but under the guidance of a responsible attorney. That may  
9 have been where that came from.

10 THE COURT: Okay. Okay. Sorry. I'm circling  
11 back a little bit. So, in the OSC response, you said that  
12 Mr. Ramey -- the decision was made by Mr. Ramey at the rest  
13 of -- request of Doctor Gorrichategui in early '22 to  
14 attempt to reduce costs by not automatically filing pro hac  
15 vice applications.

16 I just want to be clear. Mr. Ramey, was that your  
17 decision alone, to not file the pro hac vice applications in  
18 response to that request?

19 MR. RAMEY: It had been our practice already to  
20 which we were approved in cases, but we -- we had been  
21 filing in some of them, and then he had asked us to stop.  
22 So, I'm the one that made that decision, yes.

23 THE COURT: Okay. So, I just want to make sure.  
24 Mr. Kubiak, were you involved in that decision?

25 MR. KUBIAK: No, sir.

1           THE COURT: Okay. Ms. Kalra, were you involved in  
2 that decision?

3           MS. KALRA: No, your Honor.

4           MR. RAMEY: She was not.

5           THE COURT: Did any of the three of you have  
6 discussion about that decision at any point?

7           MR. RAMEY: I don't recall a discussion with --  
8 with either Ms. Kalra or Mr. Kubiak.

9           THE COURT: All right. And the request from Mr.  
10 Gorrichategui was in early '22, but you did submit a  
11 declaration from him. He doesn't make any mention of that.  
12 I guess -- I guess the question is why -- since he made the  
13 request, why wasn't it in his declaration?

14           MR. RAMEY: We -- he made the specific -- his --  
15 he was looking at it strictly for Rule 11 purposes.

16           THE COURT: Yeah.

17           MR. RAMEY: So -- so, I believe that was an  
18 oversight on our part, your Honor.

19           THE COURT: Okay. All right.

20           MR. RAMEY: But you have it in my declaration  
21 and --

22           THE COURT: No, no. I just -- it was curious that  
23 it's in your dec but the person who actually made the  
24 request, you had his declaration. I was curious why he  
25 didn't say, Yes, I did say that. It's kind of like triple

1 hearsay at some point, right? That's fine.

2 Okay. So --

3 MR. RAMEY: Well, I mean, we can call Mr. -- get  
4 Doctor Gorrichategui to submit a subsequent declaration that  
5 this is -- this is what happened.

6 THE COURT: I take -- I take your representation.

7 Okay. So, again, just so I'm clear, the decision, at  
8 least as of 2022 not to file pro hac vice applications was  
9 to reduce costs. That was the -- the motivating factor,  
10 right?

11 MR. RAMEY: That was a factor. It was -- Doctor  
12 Gorrichategui -- we -- we were already in the majority of  
13 the cases not doing that, and then -- but he had asked us to  
14 this. So, yes, your Honor.

15 THE COURT: Okay. And, so, in the majority of the  
16 cases where you already were not doing that, was that also  
17 to reduce costs?

18 MR. RAMEY: No, your Honor. As I said before,  
19 that was -- that was simply the -- we were waiting until we  
20 were further in the case before we did that. And that was  
21 a --

22 THE COURT: The cost issue was not -- not even a  
23 factor in those earlier cases?

24 MR. RAMEY: No, it wasn't, your Honor.

25 THE COURT: Okay. And did the -- did the not

1 filing of the pro hac vice applications and, therefore, not  
2 paying the fees, did that reduce costs for your law firm as  
3 well or would you always have gotten reimbursed by clients?

4 MR. RAMEY: We would only be reimbursed for our  
5 expenses if there was a recovery from the client for the --  
6 for -- not necessarily just that case but from the --  
7 the -- whatever cases that particular LLC was filing.

8 THE COURT: Okay. Don't get into too much detail,  
9 but I believe that your firm primarily works on contingency  
10 basis?

11 MR. RAMEY: A large portion of our work is  
12 contingent based, your Honor.

13 THE COURT: Okay. So, there'd be a number of  
14 cases where the pro hac vice application fees wouldn't get  
15 reimbursed if the client doesn't get recovery from those  
16 cases, right?

17 MR. RAMEY: Well, your Honor, as I said, there  
18 might be -- we typically seldom have only one or two cases  
19 per client. So, we -- you know, the expenses are -- I can't  
20 count in any case except for -- that we weren't reimbursed  
21 our expenses.

22 THE COURT: All right. And for the -- certainly  
23 since the -- to be 100 percent clear on this, the decision  
24 not to file the pro hac vice applications after early 2022,  
25 that was not based on any kind of accounting error or

1 calendaring error? It was -- it was a decision based on  
2 that client's request, right?

3 MR. RAMEY: Yes, sir.

4 THE COURT: Okay. All right.

5 Mr. Ramey, about how many times per year have you  
6 traveled to California for work in the last couple of years?

7 MR. RAMEY: This year, your Honor, this may only  
8 be my second trip to California. Last was in -- Judge  
9 Holcomb in the Central District and then here, your Honor.  
10 So, I think that's correct. The prior years, I -- I can't  
11 recall being in California in 2023. I'm not saying I  
12 wasn't, but I can't recall being in California.

13 THE COURT: Mr. Kubiak?

14 MR. KUBIAK: Yes, your Honor. This case -- of  
15 course, I'm here today -- and the pro hac appearance that I  
16 made in the -- the one case, and I was not in California,  
17 but I -- I'm counting the Zoom call as --

18 THE COURT: Okay.

19 MR. KUBIAK: -- being here.

20 THE COURT: All right. And going back let's say  
21 in the last three, four years, have you met with clients in  
22 California?

23 MR. KUBIAK: No, sir.

24 MR. RAMEY: No, your Honor.

25 THE COURT: Okay. Have you met with opposing

1 counsel and opposing parties in California?

2 MR. RAMEY: No, your Honor.

3 MR. KUBIAK: No, never.

4 THE COURT: Okay. Have you negotiated settlements  
5 in California?

6 MR. RAMEY: No, your Honor.

7 THE COURT: Have you negotiated patent transfer,  
8 monetization or sales or purchase agreements in California?

9 MR. RAMEY: No, your Honor.

10 MR. KUBIAK: No, sir.

11 THE COURT: How many times have you taken or  
12 defended depositions in California?

13 MR. RAMEY: Never, your Honor.

14 MR. KUBIAK: Never.

15 THE COURT: How many times have you appeared in  
16 hearings, oral argument, conferences in a California court?  
17 Let's go like four or five years max.

18 MR. RAMEY: Okay. Your Honor, I can think of the  
19 JIMSA case, and I was -- that was Judge Alsup, and I tend to  
20 -- I believe I was admitted in that case. I know you said I  
21 wasn't. So, I'm not going to question that, your Honor, but  
22 -- but I did appear for hearings in this court. So, I'm  
23 fairly certain he had admitted me at some point.

24 THE COURT: It's possible.

25 MR. RAMEY: The -- the Judge Holcomb, we did a pro

1 hac vice down in the Central District when I -- when I had  
2 to appear. That was our -- our practice, and then this  
3 Court, and you did a pro hac for us in a previous hearing I  
4 understand. And then Judge Tigar did a pro hac in that  
5 case, and that -- '23. So, I wasn't -- it was Zoom  
6 hearings, your Honor. So, I wasn't actually in California,  
7 but I had probably, now that I think about it, probably four  
8 or five hearings with Judge Tigar, but I was pro hac in  
9 that.

10 THE COURT: In the last four or five years, trials  
11 in California, either of you?

12 MR. RAMEY: No, your Honor.

13 MR. KUBIAK: No, your Honor.

14 THE COURT: Okay. Arbitrations or mediations?

15 MR. RAMEY: No, your Honor.

16 MR. KUBIAK: No, sir.

17 THE COURT: All right. Settlement conferences?

18 MR. RAMEY: No, your Honor.

19 MR. KUBIAK: No.

20 THE COURT: Going back to the physical offices,  
21 both in Redwood City and Los Angeles, do either of you have  
22 your own office within that location?

23 MR. RAMEY: No, your Honor.

24 MR. KUBIAK: No.

25 THE COURT: I think Ms. Kalra described that she's

1 got a physical office. Is it big enough to accommodate even  
2 more than one attorney?

3 MR. RAMEY: I think it would be. Just it wouldn't  
4 be comfortable.

5 THE COURT: Well, are they separate offices for  
6 different attorneys within the actual location?

7 MR. RAMEY: It's just one office, your Honor

8 THE COURT: Okay. All right. Speaking with Ms.  
9 Kalra, the OSC response on page four says that Ms. Kalra was  
10 not aiding or abetting the unauthorized practice of law as  
11 she was always licensed. Well, okay. I mean, it's hard --  
12 you can't -- that's such a response -- she can't really aid  
13 and abet itself, right. She's licensed, right. The  
14 question is since neither of you two are licensed, I didn't  
15 see anything in the OSC response that separates -- let me  
16 put it this way. If, hypothetically, the Court finds that  
17 there has been unauthorized practice of law here by either  
18 of you two, is there a separate reason why Ms. Kalra should  
19 not necessarily then be found to have been aiding and  
20 abetting that? Again, hypothetically in the first part.

21 MR. RAMEY: I think that would be a -- a mens rea  
22 where she would have to intentionally try to allow us on a  
23 -- to commit the unauthorized practice of law. And,  
24 clearly, she was not trying to -- to cause us to commit the  
25 unauthorized practice of law in the State of California.

1                   THE COURT: Mr. Kubiak?

2                   MR. KUBIAK: Your Honor, I tend to agree with Mr.  
3 Ramey. I think she would have had to have had some intent  
4 to do it.

5                   THE COURT: Okay. All right. Let's talk about  
6 number two, dismissal rule. So, under Rule 41(a), we all  
7 know if you voluntarily dismiss a case twice, the second one  
8 acts as a judgment on the merits and bars the -- a third  
9 case.

10                  So, Koji voluntarily dismissed the Colorado case -- we  
11 call that the first case -- by notice under Rule  
12 41(a)(1)(A)(I) and also then voluntarily dismissed what  
13 we've been calling the second case here by notice under Rule  
14 41(a)(1)(A)(I) as well.

15                  So, I think I asked Ms. Kalra this. At the time that  
16 you filed the third complaint here, had you done any  
17 research or analysis as to why that third complaint was not  
18 barred by the two dismissal rule?

19                  MR. RAMEY: Yes, your Honor. I knew from my years  
20 of practice. This is an issue that had came up early on in  
21 my practice when I was in a firm called Mathews Joseph  
22 Shaddox and Mason that they had dismissed some cases and  
23 then weren't -- that's when we came to the Rule 41 rule,  
24 that the second dismissal typical bars you. But there's --  
25 there -- as in most issues of law, there's -- there's

1 exceptions that -- that can allow it to be refiled. And,  
2 so, I knew that exists and actually would work in Doctor  
3 Gorrichategui's cases. This came back in some of the DATREC  
4 cases, not the one that you're referencing that we needed to  
5 look to whether we could refile that, and that's  
6 -- that's where it came up again, and I saw that there were  
7 all those exceptions. So, I knew that there could. And, as  
8 we said in the pleadings, your Honor, the first dismissal we  
9 filed based on what we thought was good venue from -- from  
10 what you see in the pleadings, an image on their website  
11 where they say they -- that that's the location of them, and  
12 they then presented some affidavits. And, so, it's not  
13 that's an authorized salesperson. And, so, we didn't think  
14 we'd from that evidence. We asked -- originally had asked  
15 simply that we just transfer the case to California. And  
16 the Defendants wanted a dismissal. That's fine. We  
17 dismissed it. But that -- in my mind, that would be one  
18 explanation of why that third -- why the -- that second 41  
19 dismissal of the first California case wouldn't qualify as a  
20 second dismissal on the merits. That was the reason we --  
21 we filed the third case.

22 THE COURT: So, you don't cite any case law that  
23 says a dismissal that's motivated by venue issues doesn't  
24 count. I mean, I say -- I think you say you -- you argue  
25 that, right, that it shouldn't, but I didn't see any law

1 that says that that's one of the exceptions that you're  
2 referring to.

3 MR. RAMEY: Precisely, your Honor. So, I knew the  
4 law, and then later -- and when we -- when this Court  
5 brought it up, we researched it again. We verified that is  
6 the law in California. And, but, as I said in the  
7 pleadings, after we started talking -- talking to the  
8 Defendants' counsel, we went back and looked at that and  
9 researched it, couldn't find anything directly on point, the  
10 venue. And, so, because of the -- not wanting to burden the  
11 Defendant, we dismissed before they had to answer. That was  
12 100 percent exactly why we did that.

13 The -- you know, we -- we knew that generally you can.  
14 You can make the argument to a court, and the court can  
15 accept that argument or not is -- is what it sort of is  
16 right now. If you make -- if you show extraordinary -- I'm  
17 not reading it right now, but it's basically if you show  
18 circumstances that -- that merit the filing of the third  
19 complaint, that there was something odd that happened in the  
20 history, and I think the venue is something odd that  
21 happens. However, because, as I say in there, we -- we  
22 looked hard for a case that was directly on point after  
23 talking to -- to Defendants' counsel, and while we didn't  
24 find anything, the client said just dismiss it.

25 THE COURT: Yeah. So -- okay. So, I'm not really

1 that concerned about what you did post-complaint. I'm  
2 really more concerned about what you did in terms of  
3 researching or looking into the issue when you file -- at  
4 the time of or before you filed the third complaint. I  
5 mean, is there -- you didn't submit it, I assume. There's  
6 -- there's no memo that was filed. There's no research  
7 memo. There's no billing records that show that you -- the  
8 amount of work you did kind of thinking about and working on  
9 the issue. Is that --

10 MR. RAMEY: No, your Honor, but I -- but I knew  
11 the law. I mean, the -- so, I mean, that's what you -- you  
12 gain experience in the law from practicing. So, I knew it  
13 was something we could do, but -- but, as I said, when we  
14 couldn't find that case exactly on point after Defendants'  
15 counsel brought the issue up and our client said, Well, we  
16 don't need to fight about fees. Let's just dismiss it. And  
17 that was the -- that was the basis for it.

18 THE COURT: Okay. I mean, did you -- did you  
19 consider the issue about the two dismissal rule before you  
20 filed the third complaint?

21 MR. RAMEY: Yes, your Honor. We knew that it had  
22 been dismissed before.

23 THE COURT: Yeah.

24 MR. RAMEY: We knew it had been dismissed. We --  
25 I mean, we did, in fact, ask that -- you know, that we just

1 transfer, but that -- that was -- and, fine, we'll dismiss  
2 it. We -- the venue rules in patent cases, as this Court's  
3 aware, have become difficult. And, so, when they put  
4 forward a declaration, even though we had a website image,  
5 that declaration's going to carry the day. And then we  
6 would be burdening the Court -- or burdening the Defendant  
7 and the Courts with extra work. So, we -- we thought what  
8 we were doing was the least burdensome manner to get rid of  
9 the case in Colorado.

10 And, in truth, as we look at it now, your Honor, our  
11 true issue, the mistake we made is dismissing that first  
12 Colorado -- the first -- pardon me -- the first California  
13 case. We should have -- we could have held onto that case  
14 because we were -- the client had already identified that  
15 product. They didn't have it charted. But, again, because  
16 of the sales being \$4,000 of that first product, we tried to  
17 reduce the cost for everyone.

18 THE COURT: Okay. So -- okay. So, before filing  
19 the third complaint, you -- with regard to the two dismissal  
20 rule, it was based on I think you said your experience of  
21 just your general knowledge of the law, is that -- is that  
22 right?

23 MR. RAMEY: One hundred percent, your Honor.

24 THE COURT: Okay. And I think Ms. Kalra's  
25 declaration says something to the same effect. Did you two

1 talk about the issue before you filed the third complaint?

2 MR. RAMEY: She -- I made her aware we were filing  
3 the third complaint, yes.

4 THE COURT: No, but I'm talking about the -- the  
5 two dismissal issue specifically. Did you talk about it?

6 MR. RAMEY: I don't recall a specific conversation  
7 on that. I'm not going to say it didn't happen. We have  
8 lots of conversations about the cases that are going on and  
9 the direction of the firm.

10 THE COURT: Okay. Ms. Kalra, do you have any  
11 memory?

12 MS. KALRA: I don't have a specific memory of that  
13 particular conversation, and I agree with Mr. Ramey we  
14 talked about a lot of things, and we talked frequently.

15 THE COURT: Okay. So, other than your opinions  
16 and kind of based on your experience in the law, there's no  
17 other -- you didn't -- like I said, you didn't cite any case  
18 law? There's not a legal basis for avoiding the two  
19 dismissal rule other than your own beliefs at the time, is  
20 that right?

21 MR. RAMEY: No, your Honor. In fact, we did cite  
22 to the Court a case that's specifically out of California.  
23 I'm sorry. Now I'm forgetting where it is.

24 THE COURT: The Mill Creek Athletics case that you  
25 cite? Is that what you're talking about?

1           MR. RAMEY: Yes, your Honor.

2           THE COURT: Yeah. So, let's talk about that. So,  
3 Mill Creek Athletics was a case discussing whether costs and  
4 fees should be awarded under Rule 41(d). It doesn't ever  
5 discuss whether a complaint is barred under Rule 41(a). So,  
6 I don't -- I don't understand how Mill Creek Athletics  
7 provides a legal standard for filing a third complaint here.  
8 And that case only involved a second complaint.

9           MR. RAMEY: Your Honor, I -- I know I cited one in  
10 here because that was the -- I know I talked about this.  
11 you know what, your Honor? It's in the -- it's in the  
12 briefing on the response to the motion for fees. It's on --  
13 in the show cause response. I noticed that when I was  
14 preparing -- when I was reviewing this morning, that that --  
15 there was a chunk of argument that could have been put in  
16 this response as well. But the case law is there.

17          This Mill Creek Athletic, I'm not recalling this case.  
18 I thought that this case -- well, this one's -- this case  
19 simply showed that, you know, that attorney's fees aren't  
20 recoverable and would be okay. So, I am recalling that  
21 case now. But the -- the other one I know the briefing was  
22 in the response to the motion for fees. I don't think I  
23 have that pulled up on my computer either because I -- I  
24 didn't come with that. So, I'm -- there is a -- there is a  
25 case in that briefing, your Honor, that -- that's -- that's

1 the reason we did -- allowed it to happen.

2 THE COURT: There's a case you cited in the  
3 opposition to motion for fees that says you're allowed to  
4 file a third complaint?

5 MR. RAMEY: There's reason -- reasonable -- I  
6 mean, I think it may be in here somewhere. Pardon me, your  
7 Honor. I'm sorry.

8 THE COURT: That's okay. I'm -- that's why I'm  
9 asking the question because I didn't see anything.

10 MR. RAMEY: I apologize, your Honor.

11 THE COURT: So, while you're pulling that up,  
12 since you are referring to the motion for fees, I'll let Mr.  
13 Kubiak jump in if he knows what case we're talking about.

14 MR. KUBIAK: I'm not aware of any case cited on  
15 that particular point, your Honor. And, just to correct the  
16 record, I don't believe -- my recollection is they never  
17 offered to transfer the first case here. They just  
18 dismissed. And I think there was representation that our  
19 folks made, and I don't remember that happening.

20 MR. RAMEY: In a phone conversation I had with Mr.  
21 Cronacks (phonetic) about this, we had specifically said we  
22 could dismiss this -- or agreed to a transfer, and he said  
23 he'd rather we dismiss it. We dismissed. I think it was  
24 within a day we dismissed. So --

25 THE COURT: All right.

1                   MR. RAMEY: I don't see it in my declaration, your  
2 Honor.

3                   THE COURT: Your declaration only cites Mill Creek  
4 Athletics.

5                   MR. RAMEY: But I know -- well, in the interest of  
6 time -- we can certainly look at your opposition to the  
7 motion. You think it's somewhere in the opposition to the  
8 motion for fees?

9                   MR. RAMEY: I thought it was, your Honor, but I  
10 know I read the case in preparation for this hearing. I  
11 went back over that.

12                  THE COURT: Okay. Let's -- so, in the current  
13 record, there's no case law that you're able to cite to me  
14 that says what the standard is and why you're allowed to  
15 file a third complaint after voluntarily dismissing the  
16 first two, right?

17                  MR. RAMEY: Your Honor, no. It's -- it's in the  
18 -- the pleadings to the Court. I just -- I'm sorry. I  
19 can't --

20                  THE COURT: Okay. We'll look in your opposition  
21 brief on the motion for fees and go from there.

22                  And then in the opposition -- not the opposition. In  
23 the OSC response, at page 14, you said the dismissal in  
24 Colorado was more akin to convenience. Again, I -- you  
25 don't cite any law. Is there any law that says that a

1 dismissal for convenience doesn't count for Rule 41  
2 purposes?

3 MR. RAMEY: No, your Honor. There -- what it  
4 says, there's law that -- that I cite in the pleading. In  
5 the pleadings it says that absent special circumstances, you  
6 know, you can't file a third complaint. The second one  
7 operates as a dismissal with prejudice. That's what the law  
8 is, and it's -- I cited a Ninth Circuit case for that. But  
9 I'm not seeing it right now, your Honor.

10 The -- and I'm sorry if I've forgotten your exact  
11 question. I apologize.

12 THE COURT: There's no -- you used the phrase  
13 dismissal for convenience. I just wanted to make sure.  
14 There's no law that says a dismissal for -- I don't even  
15 know what a dismissal for convenience is. It's not a --  
16 it's not in the Rules, but a dismissal for convenience is  
17 not exempt from the two dismissal rule under Rule 41, is it?

18 MR. RAMEY: I think it could be because it would  
19 be one of those special circumstances that we were talking  
20 about, your Honor, that -- that's allowed.

21 THE COURT: Okay. So, if you've got case law in  
22 the opposition to the motion for fees that addresses that,  
23 we'll look for it.

24 And, also, you know, I think you say in the OSC  
25 response and I think Mr. -- sorry -- Gorrichategui --

1                   MR. RAMEY: Yes, your Honor.

2                   THE COURT: -- says in his declaration that you --  
3 "Mr. Ramey informed me that we would likely lose the venue  
4 motion," which is why he authorized the dismissal of the  
5 Colorado case. So, I mean, if there was a recognition  
6 internally on your side that you'd likely lose the venue  
7 motion, it's not really -- it's not really a dismissal for  
8 convenience, right? I mean, it's a tactical decision that  
9 you're going to lose the venue issue.

10                  MR. RAMEY: No, your Honor. I'd strongly disagree  
11 with that. We were trying to save the parties resources  
12 because starting a venue fight means we're going to have to  
13 conduct discovery. That was the -- you know, discovery of  
14 -- discovery of -- of Koji's people then, so, to avoid that.  
15 That was the basis for it. So, it is -- and the convenience  
16 would mean so we don't have to go into the venue discovery.  
17 They said, Hey, California's the right place for this suit  
18 to be. So, that's what -- that's what I meant by that is  
19 that it is for saving the parties resources, which is what  
20 -- what I thought the -- the law tried to do is encourage  
21 counsel to discuss matters with one another in hopes of  
22 justice and speedy resolution. So, we were simply trying to  
23 reduce the -- the burdens for everyone.

24                  THE COURT: Okay. So, you're not relying -- just  
25 so I'm clear, because you do cite it in the OSC response in

1 your declaration. You're not really relying on  
2 Mill Creek Athletics as authority for the filing of the  
3 third complaint, right? Because that's a fees and cost  
4 case. It's not a barred complaint case.

5 MR. RAMEY: Right. But I'd have to go back and  
6 see. It might also cite the -- the standard for that. I  
7 don't recall off the top of my head, but I know that the --  
8 I just read the -- the case, you know, in the last couple of  
9 days, the case law about that.

10 THE COURT: Okay. You also in the OSC response  
11 make note that a third complaint charted a different product  
12 than that was charted in the second case and even in the  
13 first case, the same. Is there any law that you cited that  
14 says -- or that you know of that says that the third  
15 complaint isn't barred because it's charting different  
16 products, even though it's the same party, same patent?

17 MR. RAMEY: No, your Honor. I'd say the law is  
18 there's reasonable explanation that can be made that does  
19 allow the third case. I wouldn't say that it's because it  
20 was a new product. That was just one of the other  
21 additional factors that could go to allowing you to file --  
22 file that third complaint. That's all.

23 THE COURT: Okay. And, again, is that -- we'll  
24 have to look at whether the case law in your opposition to  
25 the motion for fees goes to that issue.

1       Okay. Ms. Kalra, in your declaration -- it's not in  
2 the OSC response. At paragraph 27 of your declaration, you  
3 said that there are exceptions that allow the refiling of a  
4 complaint where previous dismissal was made pursuant to  
5 stipulation, but you don't cite any case law on that.  
6 What's -- what's your support for that assertion?

7           MS. KALRA: It's actually in Rule 41, and I think  
8 it is (a) -- (a) (1) (A) (ii).

9           THE COURT: Okay. So, but --

10          MS. KALRA: But I -- I do see that -- after I  
11 looked at the law, subsequently, I did see that it has to be  
12 signed by both parties.

13          THE COURT: That's what a stipulation is, right?

14          MS. KALRA: Correct. Well, a stipulation can also  
15 be an agreement that's not necessarily executed by people.  
16 I mean, I've seen stipulations by email where everybody  
17 says, Do you stipulate? Yes. So --

18          THE COURT: But that's deemed a signature because  
19 it -- it's a confirmation.

20          MS. KALRA: Correct.

21          THE COURT: Right. So, but you talk about  
22 exceptions for dismissals by stipulation, but how is that  
23 relevant to the issues here? There was no -- none of the  
24 prior dismissals were by stipulation.

25          MS. KALRA: So, it was my understanding that the

1 prior -- that the dismissal in Colorado -- I wasn't involved  
2 in the Colorado case itself, but it was my understanding  
3 that the dismissal in the Colorado case was by agreement  
4 between the parties, and I probably, you know, should have  
5 looked a little harder at that, but I took that at face  
6 value.

7 THE COURT: Okay. I mean, the document says what  
8 it says, but I'll say it. It -- it is a notice of  
9 dismissal. It's only signed by Mr. Ramey. It's not signed  
10 by -- by opposing counsel. So, I -- does the -- the  
11 stipulation issue, I mean, is it even germane here?

12 MS. KALRA: Only as far as that was my  
13 understanding initially was that everyone had agreed to the  
14 dismissal.

15 THE COURT: Okay. But the actual dismissal is not  
16 a stipulation. It's a notice of dismissal. I mean, pull it  
17 up. It's a notice of dismissal.

18 MS. KALRA: Correct. And I -- and I know that  
19 sort of in -- having looked at it but not on the spur of the  
20 moment.

21 THE COURT: Okay.

22 MS. KALRA: So, I looked at it a little bit later  
23 than the initial filing.

24 THE COURT: Okay. Okay. Very briefly, and this  
25 is because in the interest of time, on the prefilings

1 analysis with regard to infringement, Mr. Ramey, the OSC  
2 response is -- and I take it that you -- you had taken the  
3 position that the claims had their plain and ordinary  
4 meaning before you filed the third complaint, right?

5 MR. RAMEY: Under the Federal Circuit law, the  
6 heavy bias towards that, yes, your Honor.

7 THE COURT: Okay. And, again, you didn't submit  
8 anything. Is -- is there any written work product that is  
9 -- that precedes the filing of the third complaint that --  
10 that shows that -- the analysis to make sure that it is  
11 plain and ordinary meaning?

12 MR. RAMEY: Yes, your Honor. Our comparison of  
13 the claims -- the claim elements are in the claim chart from  
14 the patent, and then -- from our reading of the patent and  
15 from our reading as applied to the accused device.

16 THE COURT: But there's no -- I mean, the claims  
17 chart is an infringement chart. There's no claim  
18 construction column, right?

19 MR. RAMEY: But I don't -- I don't understand what  
20 the Court means, and we do have a column with the claim  
21 elements.

22 THE COURT: Yeah.

23 MR. RAMEY: And then the -- the accused elements  
24 from the Defendant's accused instrumentality with a  
25 description of why we think that element is met in -- in

1 each instance.

2       But I think Mr. Kubiak wants to add something, your  
3 Honor.

4           MR. KUBIAK: Yes, your Honor. With regard to the  
5 claim charts and infringement analysis, many times that  
6 would be me, but -- and I would have to go through the  
7 specification because sometimes the -- the claim charts are  
8 confusing at best. And, so, I have to go back and figure  
9 out what the -- as far as is there something in the file,  
10 written analysis. Usually I'll do it on a yellow pad, and  
11 when I'm done, I'm done, and I -- I don't keep those. Once  
12 I'm satisfied with whatever claim construction it is, that's  
13 -- that's pretty much the end of it. And, so, then I --  
14 then I would go through and compare it to whatever the  
15 device is.

16           THE COURT: Okay. So, actually -- actually, it  
17 was a little bit unclear to me because there's reference to  
18 Mr. Sanatori (phonetic). In the claims chart for the third  
19 complaint, did you work on that or Mr. Ramey or --

20           MR. KUBIAK: For the third complaint, that would  
21 have been Mr. Ramey.

22           THE COURT: Okay. You worked on the one for the  
23 first and second complaints?

24           MR. KUBIAK: That's correct.

25           THE COURT: Okay.

1                   MR. RAMEY: And I worked on -- I didn't mean to  
2 cut you off.

3                   THE COURT: No. Just that -- so, I was going  
4 where I think you were going to go, just was there  
5 collaboration between the two of you on any of the charts  
6 that the other one was working on?

7                   MR. RAMEY: Yes. We 100 percent certainly look at  
8 each other's work.

9                   MR. KUBIAK: Many times, yes. It might not be as  
10 detailed as -- as providing him here's -- here's my basis  
11 for it, as opposed to just sitting down. Typically we take  
12 all day Tuesday to go over whatever we're going over and  
13 just say, Here's what I found. This is what I think.

14                  MR. RAMEY: So, certainly. And that actually is a  
15 good point Mr. Kubiak brings up. We do in the firm exactly  
16 for this purpose have Tuesdays set aside for -- for meetings  
17 where we go through every case that's in the firm and then  
18 look at every issue, look at the case, because we don't want  
19 to miss any of these issues or have something inappropriate  
20 occur.

21                  THE COURT: And I think in the OSC response you  
22 say on page 16 that there are two situations where a claim  
23 term can deviate or not be its plain ordinary meaning.  
24 That's where the patent case and lexicographer or the term  
25 so deprives the claim of clarity that there's no means by

1 which the scope may be ascertained from the language used,  
2 which I think you were referring to. So, that's the way you  
3 -- you went through those two and then decided that neither  
4 of them applied, so you could use plain and ordinary  
5 meaning. Is that for the --

6 MR. KUBIAK: Yes, sir.

7 THE COURT: -- charts? Is that --

8 MR. RAMEY: Yes, your Honor.

9 THE COURT: Okay. And I think you say it, I just  
10 want to be 100 percent clear. Ms. Kalra didn't work on any  
11 of the claims terms for any of the complaints, right?

12 MR. RAMEY: She would --

13 MR. KUBIAK: She did not work on the claim chart.  
14 She would accept whatever we told her as -- as accurate.

15 THE COURT: Okay. All right.

16 Ms. Kalra, I think your declaration says that you  
17 relied on -- for the claims charts, you relied on Mr. Ramey  
18 for the third complaint and I assume Mr. Kubiak for the  
19 second complaint. Is that right?

20 MS. KALRA: That's correct, but I reviewed them  
21 before they got filed to just double check that we had  
22 everything in the claim charts that we need to have in in  
23 the exhibit.

24 THE COURT: Okay. How much time did you spend  
25 reviewing the claims charts?

1 MS. KALRA: I looked at the claim charts. I  
2 looked at the patent, about an hour and a half.

3 THE COURT: And for the third complaint, Mr.  
4 Ramey, about how much time did you spend on that claims  
5 chart?

6 MR. RAMEY: Your Honor, I spoke with Doctor  
7 Gorrichategui and with Mr. Sanatori. So, Mr. Sanatori works  
8 for Doctor Gorrichategui. We discussed that claim chart for  
9 approximately an hour and a half when they first presented  
10 it to me. The question I asked back to them is was this  
11 product included with the previous claim chart, and -- and  
12 then they said no, and they didn't think it was part of the  
13 -- the sales stream we had because it wasn't included  
14 before, and we checked our emails, saw that it likely wasn't  
15 included in the prior numbers that came from Renesas. And  
16 then I went back to the claim chart again, looked at it,  
17 made sure all the elements were -- were addressed by their  
18 plain and ordinary meaning. Probably at that point it was  
19 another 45 minutes. So, it's total about two hours and  
20 fifteen minutes.

21 THE COURT: Okay. And, Mr. Kubiak, about how much  
22 time did you spend conferring on the third complaint's claim  
23 chart?

24 MR. KUBIAK: On the third complaint? Very little.  
25 I mean, I knew what was going on, but as far as really

1 talking about it, that was pretty much between Mr. Ramey and  
2 Ms. Kalra.

3 THE COURT: Okay. And how much time did you spend  
4 on the claims chart that was attached both in the first case  
5 and --

6 MR. KUBIAK: One and two?

7 THE COURT: Yeah, first and second complaints.

8 MR. KUBIAK: For the -- for the very first claim  
9 chart, I probably spent six, seven hours on it. Mr.  
10 Sanatori is very bright, but I don't always agree with him.

11 THE COURT: And I think I asked Ms. Kalra this in  
12 the last hearing. I wasn't sure she knew the exact answer.  
13 Mr. Sanatori is not a patent agent? He's not a member of  
14 the Patent Bar?

15 MR. KUBIAK: As far as I know he is not.

16 THE COURT: He's not a lawyer?

17 MR. KUBIAK: No.

18 THE COURT: Okay.

19 MR. RAMEY: No, no, no. He -- I think he -- in  
20 his declaration, he specifies his technical experience. He  
21 has 20 years doing this type of work, but -- but you're  
22 right. That's why Mr. Kubiak and I and Ms. Kalra, you know,  
23 we review what he does, and we don't accept it at face  
24 value.

25 THE COURT: Okay. All right. Let me just make

1 sure I don't have any other questions. Okay.

2 So, last chance. Any other matters, anyone, Ms. Kalra  
3 as well, want to bring to my attention or raise with the  
4 Court that you haven't had a chance to?

5 MR. RAMEY: No, your Honor. I'd simply like to  
6 say on behalf of me and Mr. Kubiak and my firm and Ms. Kalra  
7 that I -- we never intended to get Ms. Kalra in any issues  
8 with the California State Bar, and we never, as our law  
9 firm, intended to practice law in California. And, so, we  
10 -- we -- we do -- we do tell the Court that we've changed  
11 our practices. We -- we made a mistake. We accept that  
12 fact. We've -- we've done what we can to fix that and  
13 rectify it going forward. It won't -- won't happen again,  
14 unless we can get a license or in cases we get admitted pro  
15 hac vice.

16 THE COURT: You're always free to take the  
17 California Bar exam. Nothing's stopping you from doing  
18 that.

19 MR. RAMEY: I've thought about it many times, your  
20 Honor.

21 MR. KUBIAK: Too old, sir.

22 THE COURT: I didn't really probe this, but --  
23 because it's not -- it's more what you're going to be doing  
24 going forward. Is it your going forward practice going to  
25 be that -- I understand nobody's going to be on the

1 pleadings unless they're either already going to be admitted  
2 pro hac or -- or they're already a member of the California  
3 Bar, right? But are you also going to work on the case from  
4 Texas and just funnel everything to Ms. Kalra without being  
5 on the pleadings? Is that the -- is that -- she can't work  
6 on the cases alone, right?

7 MR. RAMEY: She will handle the legal  
8 representation of the case, and we would be involved in  
9 assisting her with the technical aspects of the case. The  
10 client is based in Texas.

11 THE COURT: Yeah.

12 MR. RAMEY: And we'd be advising the client there  
13 for -- for that purpose on infringement, but all the legal  
14 analysis, anything that would have to be in California would  
15 go through Ms. Kalra.

16 THE COURT: That includes claims charts for  
17 complaints in the future or for infringement contentions,  
18 right?

19 MR. RAMEY: She --

20 THE COURT: I mean, she can't draft those from  
21 scratch herself, right?

22 MR. RAMEY: Well, correct, but she -- right now,  
23 so, it's her current practice that she looks at everything.  
24 She has the -- the say before -- if she doesn't like a claim  
25 chart, it won't get filed.

1           THE COURT: Okay.

2           MR. KUBIAK: I see our position as being like her  
3 law clerk essentially.

4           THE COURT: Okay. I think I've asked this, but do  
5 you know of any California ethics opinions that allow you to  
6 do that, that is, prepare documents for her that she will  
7 review but then file in California courts but that's not --  
8 that doesn't count as the unauthorized practice of law here?  
9 Because it's -- it goes beyond simply advising the client,  
10 right? You're preparing documents that you know are  
11 intended to be filed in a California court.

12          MR. RAMEY: We're providing the -- the services of  
13 Mr. Sanatori, they were helping prepare something that she  
14 has the final say on approving.

15          THE COURT: Yeah.

16          MR. RAMEY: We -- we use our experience as  
17 registered patent agents to do that and our experience with  
18 the client.

19          THE COURT: But just more specifically, because  
20 they -- did you cite -- are you aware of, because you didn't  
21 cite any -- are you aware of any law, any California ethics  
22 opinions, anything that allow you to do that work knowing  
23 that it's going to be intended to be filed in a California  
24 court and where the State Bar has said, yes, that's not the  
25 unauthorized practice of law?

1           MR. RAMEY: I'm not -- I'm not aware of an  
2 opinion, your Honor, that says that -- I'm not aware of any  
3 specific opinion on that issue.

4           THE COURT: Okay. All right. Mr. Crotty, I'll  
5 give you one chance to speak, only if it deals with the  
6 motion for fees, though, because that -- there has been some  
7 discussion.

8           MR. CROTTY: Just as a factual matter, most of the  
9 communications on this case are about settlement.

10          THE COURT: Yeah.

11          MR. CROTTY: And I don't know where that falls in  
12 terms of like -- I know they're going to change the  
13 pleadings but the substance of who's doing what, most of my  
14 interactions were with Mr. Ramey, mostly over email, joint  
15 documents, settlement offers, that sort of thing. So, I  
16 don't know what side of the line that falls in.

17          And then as to the fees motion, the only thing I would  
18 like to say is that we would consider this part of the  
19 manner of litigation that's relevant under Octempics  
20 (phonetic), and that's it.

21          THE COURT: Okay. Well, the fee -- from the  
22 Court's point of view, the fees motion is submitted. So, I  
23 don't want to supplement the record any further. I just  
24 wanted to give you a fair chance to talk because there has  
25 been some discussion of it.

1       Okay. Are we submitted on the OSC? Anything further?

2           MR. RAMEY: Just one second, your Honor.

3           THE COURT: Sure.

4           MS. KALRA: May I speak with Mr. Ramey for just a  
5 second?

6           THE COURT: Sure.

7           MS. KALRA: Thank you.

8           (Pause.)

9           MR. RAMEY: Your Honor, we'd request leave of the  
10 Court to file the additional authority on the Rule 41,  
11 because I know we cited it in briefing. So, I would just  
12 present the case, no argument on it, just present the case  
13 to the Court.

14           THE COURT: Well, if you're sure it's in the  
15 motion for fees, we'll pick it up that way.

16           MR. RAMEY: I thought it was, your Honor. But I'm  
17 just asking -- I'm still asking for motion for leave just to  
18 submit that supplemental authority.

19           THE COURT: You can submit it, but you have to  
20 point to where it is in the motion for fees, right, because  
21 that was the representation. I don't want you -- at this  
22 point, I mean, you've already filed your written response.  
23 I don't want you going out doing -- you should have found  
24 case -- I think you would have found cases by now if you had  
25 any. So, yeah, you can -- you can submit the additional

1 authority --

2 MR. RAMEY: Thank you, your Honor.

3 THE COURT: -- without argument.

4 Okay. Any -- other than that, submitted?

5 MR. RAMEY: Yes, your Honor.

6 THE COURT: Okay. Anything further from you, Ms.  
7 Kalra?

8 MS. KALRA: No, your Honor.

9 THE COURT: Okay. Mr. Kubiak?

10 MR. KUBIAK: No, sir.

11 THE COURT: Mr. Crotty?

12 MR. CROTTY: No, your Honor.

13 THE COURT: Okay. We're adjourned till the next  
14 matter, and an order will issue, you know, in due course.

15 Ms. Kubiak, as to your administrative motion to seal  
16 your supplemental declaration --

17 MR. KUBIAK: Ms. Kalra.

18 THE COURT: Am I --

19 MR. KUBIAK: No. It's Ms. Kalra.

20 THE COURT: Sorry. I thought I said Kalra. Ms.  
21 Kalra, as to your administrative motion, I'm going to deny  
22 in part and grant in part. What I --

23 MS. KALRA: Okay.

24 THE COURT: There's parts of that declaration that  
25 are -- that actually go to the -- the OSC response, but

1 parts go to your personal issues. So, submit a proposed  
2 redacted version that redacts whatever you consider to be  
3 truly personal --

4 MS. KALRA: Right.

5 THE COURT: -- information, and then the Court  
6 will consider it.

7 MS. KALRA: Thank you very much, and I appreciate  
8 that.

9 THE COURT: All right. I think in the proceedings  
10 today that covers everything. So, anything further from  
11 anyone?

12 MR. RAMEY: Nothing from Plaintiff, your Honor.

13 MR. KUBIAK: No, your Honor.

14 THE COURT: Okay. Thank you.

15 MR. RAMEY: Thank you.

16 THE COURT: Thank you for your time.

17 THE CLERK: We're off the record in this matter.

18 (Proceedings adjourned at 11:50 a.m.)

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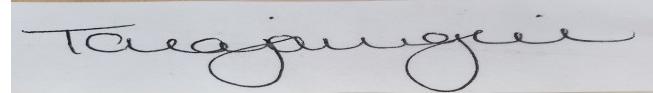
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1                   CERTIFICATE OF TRANSCRIBER  
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I certify that the foregoing is a true and correct  
transcript, to the best of my ability, of the above pages of  
the official electronic sound recording provided to me by  
the U.S. District Court, Northern District of California, of  
the proceedings taken on the date and time previously stated  
in the above matter.

I further certify that I am neither counsel for,  
related to, nor employed by any of the parties to the action  
in which this hearing was taken; and, further, that I am not  
financially nor otherwise interested in the outcome of the  
action.

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16                   Echo Reporting, Inc., Transcriber

17                   Monday, September 30, 2024

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